IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 11382 of 2007(E)

PETITIONER:

TOM THOMAS,AGED 43 YEARS,S/O.P.T.THOMAS,
PUTHUPALLIL,PONKUNNAM,KOTTAYAM-686 506.

BY ADV. SRI.SATHISH NINAN

RESPONDENTS:

1. THE BHARAT PETROLEUM CORPORATION LTD,
   BHARAT BHAVAN,4 & 6,CURRIMBHOY ROAD,BALLARD ESTATE
   MUMBAI-400 001 REPRESENTED BY ITS CHAIRMAN &
   MANAGING DIRECTOR.

2. THE CHIEF MANAGER (BP & BC),SOUTH,
   BHARAT PETROLEUM CORPORATION LTD,1,RANGANATHAN
   GARDENS,IITH MAIN ROAD,ANNA NAGAR,POST BAG NO.1212
   & 1213,CHENNAI-600 040.

3. THE TERRITORY MANAGER (RETAIL),
   BHARAT PETROLEUM CORPORATION LIMITED,
   IRIMPANAM,ERNAKULAM.

4. THE AREA MARKETING MANAGER (KERALA),
   BHARAT PETROLEUM CORPORATION LIMITED,
   IST FLOOR,PETRONET CCK LTD,IRIMPANAM,ERNAKULAM.

5. M/S.JOSEPH ANTONY & SONS,BPCL DEALER
   KOTTAYAM REPRESENTED BY ITS PROPRIETOR.

6. MR.MATHEW ANTHRAPER,BPCL DEALER,
   KANJIRAPPALLY.

BY SHRI.A.M.SHAFIQUE FOR BPC LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.11382 of 2007

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Dated this the 2nd day of April, 2007

J U D G M E N T

The petitioner is aggrieved by the inaction on the part of the respondents in considering his application for allotment of petroleum dealership in the property purchased by the petitioner in Sy.No.220/5 in Block No.15 of Ponkunnam Village. Petitioner's father purchased the property on 4.12.2004. The lease deed entered into between the 1st respondent company and the predecessor in interest of the petitioner expired on 4.4.2005 and no fresh leas deed has been executed by the petitioner's father and the 1st respondent. Although one M/s.Joseph Antony & Sons have been operating the retail outlet, no rent also is being paid either by M/s.Joseh Antony & Sons or the 1st respondent. The petitioner submits that the petitioner is not interested in continuing the lease arrangement unless the dealership is granted

to M/s.Eros Fuels as requested in Ext.P5. Therefore, the petitioner seeks a direction to the 1st respondent to consider Ext.P5 before a decision is taken on the allotment of the petrol pump.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for respondents 1 to 4. In the nature of the order I propose to pass, I do not think it necessary to issue notice to respondents 5 and 6.

3. In the facts and circumstances of the case, there would be a direction to the 1st respondent to consider Ext.P5 representation submitted by the petitioner before a final decision is taken regarding the allotment of the petroleum outlet to any other person other than M/s.Eros Fuels, as requested by the petitioner. The petitioner shall be afforded an opportunity of being heard before disposal of Ext.P5.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.